

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALEXANDRE ZDENEK DAVIS,

Defendant.

CR 22–106–BLG–DLC

ORDER

Defendant Alexandra Zdenek Davis was sentenced in this matter on February 27, 2024, after Davis plead guilty to Counts 1, 3, and 5 of the Superseding Indictment. (Doc. 69.) Two days later, on February 29, 2024, Davis filed a Notice of Appeal, appealing this Court’s Judgment. (Doc. 73.) Then, on March 6, 2024, Davis filed a pro se Motion for Compassionate Release under 18 U.S.C. § 3582(c). (Doc. 76.)

The Notice of Appeal filed on February 29, 2024, divested this Court of its jurisdiction to consider Davis’s motion for sentence reduction. *See Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) (per curiam) (“[A] federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and

divests the district court of its control over those aspects of the case involved in the appeal.”); *see also United States v. Ortega-Lopez*, 988 F.2d 70, 72 (9th Cir. 1993) (applying *Griggs* in the criminal context); *United States v. Maldonado-Rios*, 790 F.3d 62, 64 (1st Cir. 2015) (per curiam) (holding that the district court lacked jurisdiction to rule on the merits of a defendant’s motion under § 3582(c)(2) while their appeal was pending).

Accordingly, IT IS ORDERED that the motion (Doc. 76) is DENIED AS MOOT. Davis may refile his motion after the resolution of his appeal if he believes he meets the criteria set forth in 18 U.S.C. § 3582(c).

DATED this 4th day of April, 2024.



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Dana L. Christensen, District Judge  
United States District Court